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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,904	06/27/2003	Gregory Kaplan		7542

7590 05/09/2005
Gregory Kaplan
42 Fowler Road
Northbridge, MA 01534

EXAMINER

ELKINS, GARY E

ART UNIT PAPER NUMBER

3727

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050505

DATE MAILED:

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Commissioner for Patents

See the attached Notice of Non-Compliant Amendment.

Gary E. Elkins
Primary Examiner
Art Unit: 3727

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/607,904

Examiner

Gary E. Elkins

Applicant(s)

KAPLAN, GREGORY

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 28 April 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Explanatory Attachment to Notice of Non-Compliant Amendment

Effective 30 July 2003, amendments filed under 37 CFR 1.121 must be filed using the following rules:

(A) When there is any amendment to a claim, a claim listing of all claims ever presented in the case must be supplied in ascending numerical order. The claim listing must include (1) the claim number of every claim ever presented in the application whether entered or not, (2) a single status identifier, in parenthesis, following each claim number, (3) the text of all pending claims (including withdrawn claims), and (4) markings (underlining, strikethrough) showing the changes made only in the current amendment relative to the immediate prior version. The claims in the claim listing of the current amendment will replace all prior versions, and listings, of claims in the application. Only seven claim status identifiers may be used: original, currently amended, canceled, withdrawn, previously presented, new, not entered. No other status identifiers will be permitted. Grouping of consecutive canceled claims, e.g. claims 1-25 (canceled) is permitted and canceled claims should not include the text of the claim.

The amendment to the claims filed 28 April 2005 is non-compliant insofar as a complete listing of the claims was not presented. It is noted that cancellation of a claim constitutes an amendment to the claims and can no longer be done merely by providing an instruction to cancel the claim. Amendments to the claims are no longer “entered” as they used to be. The most recent listing of the claims constitutes the current set of claims automatically replacing any previously submitted listing and thereby eliminating the need for the amendment to be “entered”.